

Law Offices of Colin Mulholland

Employment and Civil Litigation

30-97 Steinway Street
Suite 301-A
Astoria, NY 11103

Honorable Philip M. Halpern
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: Fernandez Luna v. Do

Your Honor,

The undersigned writes in response

Show Cause.

Plaintiff drafted and dispatched a proposed settlement agreement to the Defendants on December 27th, 2022 reflecting the parties' short form agreement. Since then, the undersigned has received neither edits nor an executed agreement from Defendants.

The undersigned sent over four e-mails to Defendant's counsel since the e-mail containing the settlement agreement was dispatched.

The last e-mail received from Defendant's counsel indicated that they are delayed because of the Chinese New Year and would follow up with their client again.

Plaintiff has been ready willing and able to take the next step and execute a long form agreement in this matter; however, the Defendants have been equivocal in their intention to execute such an agreement and without their co-operation it is difficult to submit a Cheeks motion.

Application granted.

The parties are ordered to appear for an in-person conference on February 2, 2023 at 2:45 p.m. in Courtroom 520.

The Clerk of Court is respectfully directed to terminate the motion sequence pending at Doc. 35.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
January 27, 2023

Plaintiff would respectfully request a conference be set requiring the attendance of counsel to discuss the hold up in executing an agreement in this matter.

Respectfully Submitted,

/s/ Colin Mulholland, Esq.